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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,959	11/28/2001	Herbert Schulze	101215-69	2894
7590	05/05/2004		EXAMINER	
Norris McLaughlin & Marcus			NGUYEN, THUKHANH T	
220 East 42nd Street			ART UNIT	PAPER NUMBER
30th Floor			1722	
New York, NY 10017			DATE MAILED: 05/05/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/936,959	SCHULZE ET AL. 
Examiner	Art Unit	
Thu Khanh T. Nguyen	1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 February 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 and 12-15 is/are rejected.
- 7) Claim(s) 11 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-10, 12-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korsch et al (5,116,214) in view of Link et al (5,906,837).

Korsch et al discloses a rotary press comprising dies (4), a rotary punches (32, 33), a connecting component (15) located in a circumferential recess of a stem of the punches, in which a shell surface of the punches comprising a first zone (10) engages a second zone (16) on a external component (19) in order to turn the punches at a defined point of the pitch circle of the punch circumference by 36°, 72° or 360° or by any other angles (col. 4, lines 22-29); wherein the external component (19, 22) radically positioned around the pitch circle of the punch circumference and movable into different defined points of the pitch circle, wherein the first and second zones of the shell surface and the external component comprise serration surfaces, or a saw tooth profile (Fig. 2; 10, 16, 26); the external component includes an elastically yielding spring element (23) and the connecting component is a spring thrust piece (col. 4, lines 30-40).

Korsch et al, however, fail to disclose an exchangeable punch rotatably connected to a punch shaft.

Link et al discloses a device for producing pressed articles, comprising punches (2, 3) rotating about punch shafts (14, 15), wherein the punches and the means for rotating the punches are exchangeable (col. 5, lines 38-42).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Korsch et al by providing an exchangeable punch rotatable about a punch shaft as taught by Link et al, because the exchangeable punch would enable the replacement of the punch tip upon wear without replacing the whole punch and punch shaft.

3. Claim 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korsch ('214) and Link et al ('837) as applied to claims 1-4 and 6-10, 12-13 and 15 above, and further in view of Barna (4,487,566).

Korsch et al and Link et al fail to disclose a seal between the punch shaft and the punch.

Barna discloses a punching tool having interchangeable punches, comprising a plurality of press units (10), each having an upper and lower punch tool (14, 16) having a punch (54) and a punch shaft (58), a seal member (75) located between the punches and the punch shafts to prevent the material getting into a bearing bore (col. 6, lines 48-51).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Link et al by providing a seal member between the punch and the punch shaft as taught by Barna, because the seal member would prevent the material leaking into the die system; thus, eliminate the contamination during the molding process.

***Allowable Subject Matter***

4. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach or suggest a rotary press comprises several springs elements lying one behind the other at the external component in the movement direction of the punch and arranged in a comb-like manner.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

The Applicants have argued that Link does not teach a rotatable punch with rotates at a defined point of a pitch circle of the punch circumference in response to an external component. However, Links disclose that the angular rotation of the punch is controlled by a measurement system connecting to a driving mechanism (col. 4, line 64 – col. 5, line 5). Therefore, the punch could be controlled to rotate at a defined point of a pitch circle of the punch circumference in response to the signal of the control system.

Korsch et al disclose a tablet machine, comprising rotary punches including serrated sections which engages with the serrated sections of the connecting component for rotating the upper and lower punches at a define point of a pitch circle of a punch circumference. Barna disclose a seal located between the punch and the punch shaft to eliminate contamination from the lubricant material.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

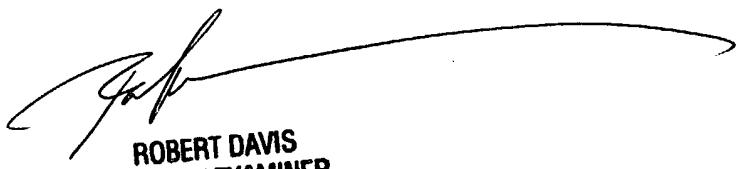
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 571-272-1136. The examiner can normally be reached on Monday- Friday, 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN



ROBERT DAVIS  
PRIMARY EXAMINER  
GROUP 1300-1700

5/3/04